

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES RUSSO,

Plaintiff,

- against -

MP222 LLC, 222 EAST 95th STREET
OWNERS CORP., COMMISSIONER OF SOCIAL
SERVICES OF THE CITY OF NEW YORK, NEW
YORK STATE DEPARTMENT OF TAXATION
AND FINANCE, NEW YORK CITY DEPARTMENT
OF FINANCE, MERRILL LYNCH CREDIT
CORPORATION, the INTERNAL REVENUE
SERVICE OF THE UNITED STATES OF AMERICA and
MASON TENDERS DISTRICT COUNCIL WELFARE
FUND, PENSION FUND, ANNUITY FUND, ASBESTOS
TRAINING PROGRAM FUND, INDUSTRY FUND,
LEGAL SERVICES FUND, BUILDING CONTRACTORS
ADVANCEMENT PROGRAM AND PAUL D. RAGONE,
IN HIS FIDUCIARY CAPACITY AS ADMINISTRATOR,

Defendants.

UNITED STATES OF AMERICA,

Counterclaim, Crossclaim
and Third-Party Plaintiff,

- against -

JAMES RUSSO,

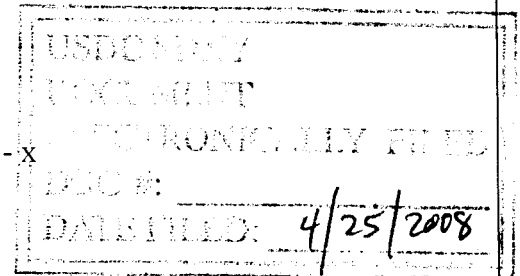
Counterclaim Defendant.

-and-

MP222 LLC, 222 EAST 95th STREET
OWNERS CORP., COMMISSIONER OF SOCIAL
SERVICES OF THE CITY OF NEW YORK, NEW
YORK STATE DEPARTMENT OF TAXATION
AND FINANCE, NEW YORK CITY DEPARTMENT
OF FINANCE, MERRILL LYNCH CREDIT
CORPORATION,

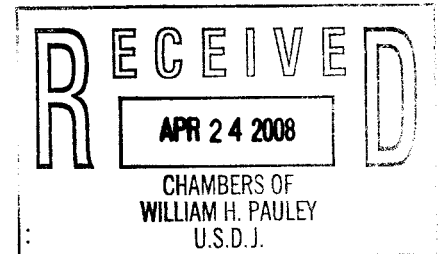
Crossclaim Defendants,

and



**DECLARATORY
JUDGMENT**

07 Civ. 5469 (WHP)



JAMES A. RUSSO, JOHN DOES NOS. 1-10 and
JANE DOES NOS. 1-10, :

Third-Party Defendants. :

-----X

This action having been commenced on May 17, 2007, with the filing of a Summons and Complaint and Order to Show Cause with the Clerk of the Court, New York County, Supreme Court of the State of New York, bearing Index No. 601661/2007, and

Pursuant to a Notification of Removal dated June 8, 2007, this case was removed in its entirety to this Court; and,

Pursuant to a Stipulation and Order of Settlement executed by all parties:

NOW, upon motion of Richard C. Agins, Esq. for Agins, Siegel, Reiner & Bouklas, LLP, attorneys for Plaintiff JAMES RUSSO and Third-Party Defendant JAMES A. RUSSO,

IT IS ORDERED AND ADJUDGED that Plaintiff James Russo Third-Party Defendant JAMES A. RUSSO have a Declaratory Judgment, that:

1. The judgment entered by *Lottie Rose, Eugene Wisner, Arkady Chayka and Just More Real Roses v. James Russo*, said defendant residing at 32 Reservoir Road, New City, New York, effective May 22, 1987, docketed in New York County on October 21, 1987, in the amount of \$237,545.59 is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

2. The judgment entered by *Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund, Asbestos Training Program Fund, Industry Fund, Legal Services Fund, Building Contractors Advancement Program and Paul D. Ragone, in his fiduciary capacity as Administrator v. James Russo*, filed with the County Clerk of New York County, docketed on July 15, 1993, effective February 1, 1993, in the amount of \$3,852.64, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

3. The judgment entered by *Mason Tenders District Council Welfare Fund*,

Pension Fund, Annuity Fund, Asbestos Training Program Fund, Industry Fund, Legal Services Fund, Building Contractors Advancement Program and Paul D. Ragone, in his fiduciary capacity as Administrator v. James Russo, filed with the County Clerk of New York County, docketed on July 15, 1993, effective February 1, 1993, entered in the United States District Court for the Southern District of New York, in the amount of \$745.14, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

4. The judgment entered by *Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund, Asbestos Training Program Fund, Industry Fund, Legal Services Fund, Building Contractors Advancement Program and Paul D. Ragone, in his fiduciary capacity as Administrator v. James Russo*, filed with the County Clerk of New York County, docketed on December 9, 1993, effective January 29, 1993, in the amount of \$3,852.64, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

5. The judgment entered by *Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund, Asbestos Training Program Fund, Industry Fund, Legal Services Fund, Building Contractors Advancement Program and Paul D. Ragone, in his fiduciary capacity as Administrator v. James Russo* filed with the County Clerk of New York County, docketed on December 9, 1993, effective January 29, 1993 of a Judgment entered in the United States District Court for the Southern District of New York, in the amount of \$745.14, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

6. The judgment entered pursuant to an action in the Family Court of the State Of New York, New York County, Child Support Enforcement Term, entitled *Commissioner of the Department of Social Services on behalf of Valerie Boutreau v. James Russo*, effective on May 2, 1994, docketed in the New York County Clerk's Office on January 11, 1994, in the amount of \$10,131.50 plus interest, under Index Number P19564/89A000, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

7. The judgment entered on July 9, 2003, pursuant to an action in the Family Court of the State of New York, New York County, Child Support Enforcement Term, entitled *Commissioner of the Department of Social Services on behalf of Valerie Boutreau v. James Russo*, docketed in the New York County Clerk's Office on October 7, 2003, in the amount of \$26,103.00 plus interest, under Index Number 19504-89-02E, Docket Number 19504-89-02E, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th

Street, New York, New York 10128.

8. The judgment entered pursuant to an action in the Family Court of the State of New York, New York County, Child Support Enforcement Term, entitled *Commissioner of the Department of Social Services on behalf of Valerie Boutreau v. James Russo*, docketed in the Richmond County Clerk's Office on November 18, 2003, in the amount of \$26,103.00 plus interest, under Index Number 19504-89, Docket Number 19504-89-02E, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

9. The judgment in favor of the New York City Department of Finance on behalf of the New York City Environmental Control Board against "J. Russo" bearing Number 0135997016, issued at 58-54 198th Street, Queens, New York, on November 10, 2003 and docketed in April 2004, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

10. The judgment in favor of the New York City Department of Finance on behalf of the New York City Environmental Control Board against "J. Russo, bearing Number 0109293939, issued at 27-15 Healy Avenue, Queens, New York, on May 5, 2000 and docketed in October 2000, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

11. The judgment in favor of the New York City Department of Finance on behalf of the New York City Environmental Control Board against "J. Russo, bearing Number 0111420742, issued at 250 Hillside Avenue, Queens, New York, on January 26, 2000, and docketed in July 2000, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

12. The Verified Petition filed in the Supreme Court of the State New York, County of New York, entitled *In the Matter of the Application of Kareem Fauntleroy*, bearing Index No. 07/400650 brought against, among others, Police Officer James Russo, pursuant to the Freedom of Information Law, against the New York City Police Department, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

13. The Verified Petition filed in the Supreme Court of the State New York, County of New York, entitled *In the Matter of the Application of John Covington*, bearing Index No. 07/402779 brought against, among others, Police Officer James Russo, pursuant to the Freedom of Information Law, against the New York City Police Department is not against

Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128..

14. The Verified Petition filed in the Supreme Court of the State New York, County of New York, entitled, *In the Matter of the application of Billy Taylor*, bearing Index No. 07/402872 brought against, among others, Police Officer James Russo, pursuant to the Freedom of Information Law, against the New York City Police Department, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

15. An action commenced in the Supreme Court of the State of New York, County of New York, entitled *Richard Daniel v. Instant Whip New York Inc. and James Russo*, bearing Index Number 111416/2002, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

16. The Verified Petition filed in the Supreme Court of the State New York, County of New York, entitled *In the Matter of the Application of Maurice Walker*, bearing Index No. 07/405860, brought against, among others, Police Officer James Russo, pursuant to the Freedom of Information Law, against the New York City Police Department, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

17. An action commenced in the Supreme Court of the State of New York, County of New York, entitled *Edward Abayev and Saida Abayev v. James Russo and Ross Russo Plumbing*, bearing Index Number 112652/2007, is not against Plaintiff James Russo or Third-Party Defendant James A. Russo and is not a lien against the shares appurtenant to the proprietary leases to units 1, 2, 3 and 4 at 222 East 95th Street, New York, New York 10128.

Dated: New York, New York
April 25, 2008


U.S.D.J.

This Document was entered on the docket on: